File No. 195

1889.

Collection No.

Mysore Residency

AC/28/1/47

Proc. Serial Nos.

Subject.

Appointment of the Collector, Cochin Station, to be the Officer to exercise the powers conferred on the Advocate General by Section 89 of the Code of Civil Procedure, 1882 (=Section 92 of the 1908 Code)

Previous References

Later References.

7 13/91

7 312/98

7 147/02 (illegible)

7 131/03

S. 37.

(illegible)—5-37—2,000CF—6-24-25.00

Office
(~~Continuation of~~ Note or Precis.)

File No 195 of 1889.

Serial No 7 is an application from one Channa Munia, praying that the Resident as Local Govt. may authorize the Collector of the C & M Station to exercise the powers of an Advocate General under Section 539 of the Code of Civil Procedure, in view to his giving a written consent to the institution by the petitioner of a civil suit ~~against~~ in respect of certain property belonging to the temple of a Pallan named Samaya Vastanal situated in the C & M Station.

A similar application having been made in 1889 by one Burhuddeen Sahib & Mahomed Yacoob Sahib, the requisite powers

(Please see Serial No 1)

were conferred on the Collector (vide Serial No 2). This notification is in itself a sufficient ~~Enable~~ authority for the CMR to dispose of any application that may be made to him under Sec 539. But by an executive order ~~we~~ of Serial No 6 limited his power to the particular case which gave rise to the notification, & hence his disability to deal with the present case —

We might forward the petition for his disposal, observing that he will be at liberty to accord his sanction under Sec 539 in this case also, if he should be of opinion that such sanction is necessary.

If this view be approved of, the draft below may issue.

PSK
28/2/90

Margin for binding not to be written on.

Office Note.

File No. 195 - 89

Letter No. - dated the 5th June

from Mr. A. Varadaraja Mudaliar

SUBJECT.

Duties of the Advocate General under Sec. 92 of the C.P.C.

S. 9

According to the Resident's Notn N 1619 1959, dated the 15th May 1889, the Collector of the Station has been appointed to exercise the powers conferred by Sec. 539 of the Code of Civil Procedure, 1882, on the Advocate General.

Section 92 of the Code of Civil Procedure, 1908, corresponds to Section 539 of the Code of 1882. The above Notn is still in force. Vide Sec 24 of the General Clauses Act, 18

Docts submd

C.N.S. 12/6/24

V.P.S. 18/6/24

S. 10. Issued no. 4782 & 17th June 24

Date of receipt
20/3/89

Date
12/4/89

1

To

Sir Oliver St John

British Resident of Mysore

RESIDENTS' OFFICE
1438
D. 17. 4188

The Humble Petetion of
Aga Budrooden Bait and
Hajee [illegible] — trustees of
the Labbay Mosque

That your Petitioners, are the trustees of the
Government of the Mosque situate in Labbay
Street Civil and Military Station Bangalo
& have not got the
old copy with me

Please write my
addition to the draft.

Draft & Letter
to be referred to.
for disposal.
Draft by Chr.
submitted

Reply
Endorsement

Section 91 of the Civil P.C. is a new addition. Vide Act XIV of 1882 corresponds to Act VIII of 1859 Section 539 of the Civil P.C. except in the particulars given in the Schedule. It is not one of the sections mentioned in Notification No. 1446 dated 14/6/1924. Hence Act XIV of 1882 is not applicable.

VSB/14/6

made to the Collector ha
not empowered by Governme
the institution of a suit in th
of the said charitable or religious
or religious Endowment
Act VI of 1863 with the meaning

PSK
13/4/89.

3 That your Petitioners as trustees, and as

1619
1459

Office of the Resident
in Mysore
15th May 1909.

Draft Notification

Under the provisions of section
53 of the Code of Civil Procedure the
Resident in Mysore is pleased
to appoint the Collector of the
Cd M station of Bangalore to be
the officer to exercise the powers
conferred by that section on
the Advocate General

By order

Asst Resident

PSK.

To the Publisher forwarded for
publication in Part II

No 11

Forwarded to the Chief Secretary
with my G to this letter No 96 —
dated 3rd April 1889.

Asst Resident —

P&R.

3

To the Asst Resident-

Sir

I have the honor to request-
that the order with reference
to the sanction to file a suit-
on behalf of Hajee Bindroodeen
Lutch & others vs Kistay Ina Mohamed Hyder
applied for on Saturday the 13th
may be given to bearer

I have the honor
To be Sir
Your Obdt
Servt
Abdurrahiman

14-4-89
P. Magaine

5

No. 96

Office of the Collector,
Civil and Military Station.
Bangalore, 23rd April 1889.

From

The Collector,
Civil and Military Station

To

The Assistant to the
Resident in Mysore

Sir,

In reply to your letter No 1279/1959 dated 15th April 1889, I have the honor to state, that, the subject matter of the plaint, put in by Kajee Budrodin, and others Came before me, as District Magistrate, under Chapter VIII of the Criminal Procedure Code, and the petitioners were directed to seek redress in a Civil Court. I Consider that the Case is a proper one for the decision of a Civil Court, and Request, that I

"The notification — Serial No 2 — may now issue?
PSK 29/4. Speak please 3/5/89
Q.

Draft letter to Coll^r submd
PSK 7/5. Resd
For appl^n. I think the warning is desirable. 8/5 AHL

may be empowered to direct the institution of the suit under Section 539 of the Civil Procedure Code as the properties mentioned in the plaint are added to be set apart for public charitable purposes.

I have the honor &c

Sir,

Your most obedient servant

Thomas Smith

Collector.

No. 1620/1959 Encl

Fair.

Draft

Resident's Office

Dated 15 May/89.

To

The Collector, Ct M Station

Sir,

I am directed to reply to

S/S: your letter No 96, dated the 23rd April 1889, regarding your appointment under Section 539 of the Code of Civil Procedure, as the Officer to exercise the powers conferred by that Section on the Advocate-General.

2. I am to forward to you a copy of a notification which has been issued by the Resident making this appointment.

No. 1619-1959 A/15th May 89 (Sd)

3.

3. It is desirable that you should, for the present, confine yourself to the particular case of Hajee Burhuddeen and others, in which the petitioners ask that your consent in writing may be given to the institution of a suit by them.

4. I am to request that you will always be careful not to institute a suit yourself, or to commit the Government in any way to litigation, except with the previous sanction of the Resident. I have &c

PSK.

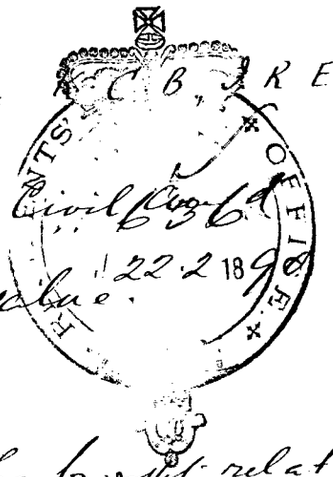
Asst Resident

C.H.J. 10/5/88.

~~Received~~ 22/2/90

Presented in Person by Mr. P. Parthasarathy Iyengar. Attorney for Petr.
22/2/90

To
Colonel Sir Oliver St. John K.C.B., R.E.,
British Resident of the Civil & Military Station, Bangalore.



In the matter of the suit to be instituted relating to Public Charities, the Humble Petition of Nattamakar Chinna Moonia, a resident of Mettoochery, Civil & Military Station, Bangalore

Most respectfully Sheweth,

That Your Petitioner is a recognized Manager and one among the followers of Samaya-vasthannal (Godess) situated in B Cross Street, Mettoochery, Civil & Military Station, Bangalore.

That without the Consent and Knowledge of Your Petitioner one Manny Sen of Ramasamy, also a follower of the said temple has mortgaged a plot of vacant ground belonging to the said temple for Rupees 30 and appropriated the same to himself about 10 months ago.

SIDE OFFICE. Serial No

[DRAFT.]—For approval.

No. 984 Jud
1959

To

Dated 26 March 1890.

The Collector of the
Cuttack Station

Sir,

I am directed to forward for your disposal a copy of a petition dated the 22nd Febry 1890 ~~1889~~, presented by one Chinna Munia, requesting the sanction required under Section 539 of the Code of Civil Procedure to the institution of a Civil Suit to set aside the alienation of certain temple property.

H. No 7.

2. If you consider that the case is a fit one for the exercise of the power conferred on you by Notfn: No. 169/1959

of the 15th May 1889. I am to say that you are at liberty to exercise that power in this case. —

I have &c,

A B't Secretary

PBK
1/3/90

4289

60.624

informed & return to Duties of the [illegible]

prescribed in Clause 91 to 93 & [illegible]

body has been restored upon the [illegible]

Bangalore &c I have a [illegible]

about Damages in my building to [illegible]

[illegible] prepare a report to the

Municipal Council of the Borough